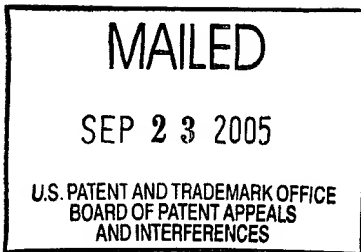


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte CHARLES C. BIRKNER,
ELIAS GEORGE ELDAHDAH,
and
DAVID FREDERICK MARTINEZ

Application 09/696,465

COMMUNICATION

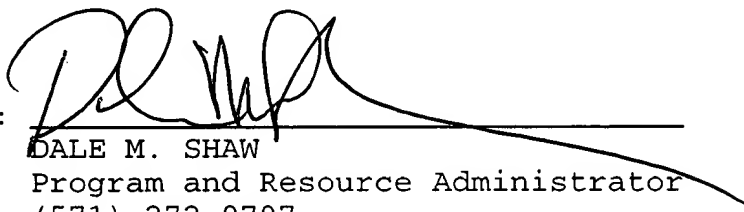
An ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER was mailed August 15, 2005, which requested that the examiner notify appellants "to submit a Supplemental Appeal Brief which includes a new Appendix to the Appeal Brief filed on June 14, 2004, or for the examiner to issue a Supplemental Examiner's Answer which contains a correct copy of claims 1, 11 and 12." It is noted that a new Appendix was facsimile transmitted by appellants on August 23, 2005 and has replaced the previously defective Appendix. Accordingly, the case will be issued an Appeal Number

Application 09/696,465

and assigned in due course to a merits panel for consideration
and decision on the written record.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

DS/psb

Tran & Associates
6768 Meadow Vista Ct.
San Jose, CA 95135